

State of Wisconsin



1995 Assembly Bill 860

Date of enactment: **June 24, 1996**

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1995 WISCONSIN ACT 441

AN ACT to create 895.487 of the statutes; relating to: immunity from civil liability for an employer who, in good faith, provides a reference concerning a current or former employee.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 895.487 of the statutes is created to read:

895.487 Civil liability exemption; employment references. (1) In this section:

- (a) "Employee" has the meaning given in s. 101.01 (2) and also includes a former employee.
- (b) "Employer" has the meaning given in s. 101.01 (2) (b).
- (c) "Reference" means a statement about an employee's job performance or qualifications for employment and includes a statement about an employee's job performance or qualifications for employment provided pursuant to the settlement of a dispute between the employer and employee or provided pursuant to an agreement between the employer and employee relating to the termination of the employee's employment.

(2) An employer who, on the request of an employee or a prospective employer of the employee, provides a reference to that prospective employer is presumed to be acting in good faith and, unless lack of good faith is shown by clear and convincing evidence, is immune from all civil liability that may result from providing that reference. The presumption of good faith under this subsection may be rebutted only upon a showing by clear and convincing evidence that the employer knowingly provided false information in the reference, that the employer made the reference maliciously or that the employer made the reference in violation of s. 111.322.

SECTION 2. Initial applicability.

(1) This act first applies to a reference, as defined in section 895.487 (1) (c) of the statutes, as created by this act, provided by an employer, as defined in section 895.487 (1) (b) of the statutes, as created by this act, to a prospective employer on the effective date of this subsection.

* Section 991.11, WISCONSIN STATUTES 1993-94: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].